

# Victim Notification

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## In this chapter. . .

A crime victim's right to notification of court proceedings and the offender's status within correctional or juvenile agencies is preserved in Michigan's constitution. This right to notification is fundamental for crime victims: if they are not notified of events in the case, victims cannot take steps to prevent their revictimization or exercise their right to participate in the proceedings. This chapter contains a detailed discussion of the notification provisions of the Crime Victim's Rights Act ("CVRA") and other law. This chapter includes:

- F a table in Section 7.16 that sets forth the time and method requirements for victim notification;
- F information on automated victim notification; and
- F selected sample notification forms.

## 7.1 Constitutional Basis for the Victim's Right to Notification

Crime victims in Michigan have a constitutional right to notification of court proceedings and the offender's status within correctional or juvenile agencies. Const 1963, art 1, § 24, states, in part:

“(1) Crime victims, as defined by law, shall have the following rights, as provided by law:

. . . .

The right to notification of court proceedings.

. . . .

The right to information about the conviction, sentence, imprisonment, and release of the accused.”

This chapter discusses in detail the statutory provisions intended to enforce these rights.

## 7.2 Notification of Available Victim Services

Within 24 hours after initial contact with a crime victim, the law enforcement agency investigating the crime must provide the victim\* with written information regarding the availability of emergency and medical services and victim compensation, and with contact numbers for the police and prosecuting attorney.

MCL 780.753; MSA 28.1287(753), which applies to the felony article of the CVRA, states:

“Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim’s compensation benefits and the address of the [Crime Victim Services Commission].\*

(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim’s rights.

(d) The following statements:

‘If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them.’\*

‘If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency’s telephone number] for the status of the case.’”

The juvenile and misdemeanor articles of the CVRA contains a substantially similar provision. MCL 780.782; MSA 28.1287(782), and MCL 780.813(1); MSA 28.1287(813)(1).

If the defendant is charged with a violation of a local ordinance corresponding to a “serious misdemeanor,” the law enforcement agency must give the victim the name and business address of the prosecuting attorney for the political subdivision prosecuting the case. This notice to the victim must also include the following provision:

\*There may be multiple victims of a single offense. See Section 3.2(O) for the definition of “victim.”

\*See Chapter 11 for a complete discussion of crime victim compensation.

\*This statement must be included after June 1, 2001.

\*This statement must be included after June 1, 2001.

““The defendant in your case will be prosecuted under a local ordinance, rather than a state statute. Nonetheless, you have all the rights and privileges afforded to victims under the state constitution and the state crime victim’s rights act.”” MCL 780.813(2); MSA 28.1287(813)(2).\*

The Code of Criminal Procedure contains special notice provisions in cases involving “domestic violence incidents.” MCL 764.15c; MSA 28.874(3), requires a peace officer investigating or intervening in a “domestic violence incident” to provide the victim with written notice of information contained in the statute. Pursuant to MCL 764.15c(4); MSA 28.874(3)(4), a “domestic violence incident” involves allegations of:

- F a personal protection order violation, or
- F a crime committed by an individual against his or her spouse or former spouse, a person with whom the individual has had a child in common, or a person who resides or has resided in the same household as the individual.

After investigating or intervening in a “domestic violence incident,” a peace officer must also provide the victim with a written notice. MCL 764.15c(1); MSA 28.874(3)(1). This notice must contain the following information:

- F the identity of the peace officer and his or her agency;
- F procedures for the victim to obtain a copy of the police incident report;
- F information about domestic violence shelter programs and other resources in the victim’s area; and
- F an explanation that the victim’s legal rights include the right to file a petition requesting a personal protection order.

### 7.3 Notification Regarding Arrest and Pretrial Release

\*For discussion of pretrial release and protection from revictimization, see Sections 4.2–4.5 and 4.10–4.13.

As stated above in Section 7.2, the law enforcement agency investigating the offense must provide the victim with an opportunity to request notice of the defendant’s or juvenile’s arrest, subsequent release, or both. If the victim requests such notice, the law enforcement agency must promptly provide it.\* In addition, the victim must be provided with notice of the availability of pretrial release for the defendant or juvenile and the telephone number of the appropriate detention facility so that the victim may call to find out if the defendant or juvenile has been released. The agency responsible for providing this notice and the time requirements for providing it vary according to which article of the CVRA applies.

MCL 780.755(1); MSA 28.1287(755)(1), of the felony article of the CVRA, states:

“Not later than 24 hours after the arraignment of the defendant for a crime, the law enforcement agency having responsibility for investigating the crime shall give to the victim notice of the availability of pretrial release for the defendant, the telephone number of the sheriff or juvenile facility, and notice that the victim may contact the sheriff or juvenile facility to determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime.”\*

\*The requirement that the law enforcement agency notify the victim of the defendant’s arrest or release is effective June 1, 2001.

In cases falling under Article 3 of the CVRA, the misdemeanor article, the time requirements for providing notice of the availability of pretrial release are different than those in the felony article. MCL 780.815(1); MSA 28.1287(815)(1), states:

“Not later than 72 hours after the arrest of the defendant for a serious misdemeanor, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim notice of the availability of pretrial release for the defendant, the phone number of the sheriff, and notice that the victim may contact the sheriff to determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff, the sheriff shall notify the law enforcement agency having responsibility for investigating the crime.”\*

\*The requirement that the law enforcement agency notify the victim of the defendant’s arrest or release is effective June 1, 2001.

If a juvenile is placed in a juvenile facility following the preliminary hearing in a juvenile delinquency case, the prosecuting attorney or court must provide the victim with the telephone number of the juvenile facility in which the juvenile is detained. As in cases involving adult criminal defendants, the victim of a juvenile offense may contact the juvenile facility to determine whether the juvenile has been released. Moreover, if the victim requests, the law enforcement agency must notify the victim of the juvenile’s arrest, pretrial release, or both. The relevant provision states:

\*The requirement that the law enforcement agency notify the victim of the juvenile's arrest or release is effective June 1, 2001.

“If the juvenile has been placed in a juvenile facility, not later than 48 hours after the preliminary hearing of that juvenile for a juvenile offense, the prosecuting attorney or, pursuant to an agreement under [MCL 780.798a; MSA 28.1287(798a)], the court shall give to the victim the telephone number of the juvenile facility and notice that the victim may contact the juvenile facility to determine whether the juvenile has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the juvenile, or both, if the victim requests or has requested that information. If the juvenile is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime.” MCL 780.785(1); MSA 28.1287(785)(1).\*

**Note:** In juvenile delinquency cases, MCL 780.798a; MSA 28.1287(798a), authorizes the prosecuting attorney to enter a written agreement that the court will perform many of the prosecutor's notification duties if the court performed those functions before May 1, 1994. Currently, the court in five Michigan counties (Ionia, Marquette, Oceana, Saginaw, and Monroe) performs these duties.

## 7.4 Charging Documents in Juvenile Delinquency and Serious Misdemeanor Cases

Pursuant to MCL 780.783a; MSA 28.1287(783a) (juvenile article), and MCL 780.811a; MSA 28.1287(811a) (misdemeanor article), if the complaint, petition, appearance ticket, traffic citation, or other charging instrument charges one of several listed offenses, or a violation of a local ordinance substantially corresponding to one of these offenses, the law enforcement officer or prosecutor must state on the charging instrument “that the offense resulted in damage to another individual's property or physical injury or death to another individual.” This statement must be included in the charging document because the juvenile and misdemeanor articles of the CVRA only apply to these listed offenses when property damage, physical injury, or death results.

MCL 780.781(1)(f)(iii)–(v); MSA 28.1287(781)(1)(f)(iii)–(v), contain the offenses to which this requirement applies when the case falls under the juvenile article of the CVRA. The juvenile offenses are:

- F leaving the scene of a personal-injury accident, MCL 257.617a; MSA 9.2317(1);
- F operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood-alcohol content, MCL 257.625; MSA 9.2325;
- F selling or furnishing alcoholic liquor to an individual less than 21 years of age, MCL 436.1701; MSA 18.1175(701);\* and
- F operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood-alcohol content, MCL 324.80176(1) or (3); MSA 13A.80176(1) or (3).

MCL 780.811(1)(a)(x), (xi), and (xiii); MSA 28.1287(811)(1)(a)(x), (xi), and (xiii), contain the offenses to which this requirement applies when the case falls under the misdemeanor article of the CVRA. These are the same offenses as those listed above, except that the statement is *not* required under the misdemeanor article when leaving the scene of a personal-injury accident, MCL 257.617a; MSA 9.2317(1), is alleged.

In addition, for any offense falling under the juvenile or misdemeanor articles of the CVRA, the law enforcement agency must file with the charging document a separate list of the names, addresses, and telephone numbers of each victim. This separate list is not a matter of public record. MCL 780.784; MSA 28.1287(784), and MCL 780.812; MSA 28.1287(812).

## 7.5 Notification of the Proposed Removal of a Juvenile Delinquency Case From the Adjudicative Process

The juvenile article of the CVRA requires the court to notify the prosecuting attorney and conduct a hearing before utilizing informal procedures that remove the case from the adjudicative process.\* The prosecuting attorney, in turn, must notify the victim of the time and place of a hearing regarding the proposed removal. MCL 780.786b(1); MSA 28.1287(786b)(1), states, in part, as follows:

\*The CVRA applies to this offense only if physical injury or death resulted; it does not apply if the offense resulted in property damage.

\*See Section 6.4 for a more detailed discussion of these requirements.

\*This provision is effective June 1, 2001.

“[A] case involving the alleged commission of [a juvenile offense] . . . shall not be diverted, placed on the consent calendar, or made subject to any other prepetition or preadjudication procedure that removes the case from the adjudicative process unless the court gives written notice to the prosecuting attorney of the court’s intent to remove the case from the adjudicative process and allows the prosecuting attorney the opportunity to address the court on that issue before the case is removed from the adjudicative process. Before any formal or informal action is taken, the prosecutor shall give the victim notice of the time and place of the hearing on the proposed removal of the case from the adjudicative process. The victim has the right to attend the hearing and to address the court at the hearing.”\*

## 7.6 Notification of Procedures and Rights Following Arraignment or Petition Authorization

Early in all cases falling under the CVRA, the prosecuting attorney is responsible for providing the victim with information regarding court procedures and the victim’s legal rights. In addition, the prosecuting attorney must provide the victim with a convenient means of notifying the prosecuting attorney and correctional agencies that the victim wishes to exercise his or her rights under the CVRA. However, the time requirements and procedures for providing this information to the victim vary depending upon which article of the CVRA applies to the case.

### A. Felony Article

In cases falling under Article 1 of the CVRA, the felony article, the prosecuting attorney must provide information on court procedures and legal rights to each victim “[n]ot later than 7 days after the defendant’s arraignment for a crime, but not less than 24 hours before a preliminary examination.” This information must be written in plain English. MCL 780.756(1); MSA 28.1287(756)(1). The prosecuting attorney must give each victim the following:

“(a) A brief statement of the procedural steps in the processing of a criminal case.

“(b) A specific list of the rights and procedures under this article.

“(c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.\*

\*This subsection is effective June 1, 2001.



“(d) Details and eligibility requirements [for crime victim compensation].\*

\*See Chapter 11.

“(e) Suggested procedures if the victim is subjected to threats or intimidation.\*

\*See Sections 4.10–4.13.

“(f) The person to contact for further information.” MCL 780.756(1)(a)–(f); MSA 28.1287(756)(1)(a)–(f).

## B. Juvenile Article

In cases falling under Article 2 of the CVRA, the juvenile article, the prosecuting attorney or court must provide information on court procedures and legal rights to each victim “[w]ithin 72 hours after the prosecuting attorney . . . submits a petition” to the court. This information must be written in plain English. MCL 780.786(2); MSA 28.1287(786)(2). The prosecuting attorney must give each victim the following:

“(a) A brief statement of the procedural steps in processing a juvenile case, including the fact that a juvenile may be tried in the same manner as an adult in a designated case or waived to the court of general criminal jurisdiction.

“(b) A specific list of the rights and procedures under this article.

“(c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.\*

\*This subsection is effective June 1, 2001.

“(d) Details and eligibility requirements [for crime victim compensation].\*

\*See Chapter 11.

“(e) Suggested procedures if the victim is subjected to threats or intimidation.\*

\*See Sections 4.10–4.13.

“(f) The person to contact for further information.” MCL 780.786(2)(a)–(f); MSA 28.1287(786)(2)(a)–(f).

**Note:** In juvenile delinquency cases, MCL 780.798a; MSA 28.1287(798a), authorizes the prosecuting attorney to enter a written agreement that the court will perform many of the prosecutor’s notification duties if the court performed those functions before May 1, 1994. Currently, the court in five Michigan counties (Ionia, Marquette, Oceana, Saginaw, and Monroe) performs these duties.

## C. Misdemeanor Article

\*See SCAO  
Form DC 255.

In cases falling under Article 3 of the CVRA, within 48 hours after the arraignment, the court must notify the prosecuting attorney of the defendant's plea at arraignment, whether further proceedings will be scheduled, and the sentencing date (if the defendant pled guilty or nolo contendere at the arraignment). MCL 780.816(1); MSA 28.1287(816)(1).\*

Within 48 hours after receiving this notification from the court, the prosecuting attorney must provide information on court procedures and legal rights to each victim. This information must be written in plain English. *Id.* The prosecuting attorney must give each victim the following:

“(a) A brief statement of the procedural steps in the processing of a misdemeanor case, including pretrial conferences.

“(b) A specific list of the rights and procedures under this article.

“(c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.\*

“(d) Details and eligibility requirements [for crime victim compensation].\*

“(e) Suggested procedures if the victim is subjected to threats or intimidation.\*

“(f) The person to contact for further information.” MCL 780.816(1)(a)–(f); MSA 28.1287(816)(1)(a)–(f).

\*This subsection is effective June 1, 2001.

\*See Chapter 11.

\*See Sections 4.10–4.13.

## 7.7 Notification of Scheduled Court Proceedings

If the victim requests, the prosecuting attorney or court must give notice to the victim of any scheduled court proceedings and any changes in the schedule of court proceedings. MCL 780.756(2); MSA 28.1287(756)(2), MCL 780.786(3); MSA 28.1287(786)(3), and MCL 780.816(2); MSA 28.1287(816)(2). This requirement encompasses all court proceedings, including pretrial conferences, pre- and post-trial motion hearings, adjournments and continuances, and all schedule changes.

**Note:** In juvenile delinquency cases, MCL 780.798a; MSA 28.1287(798a), authorizes the prosecuting attorney to enter a written agreement that the court will perform many of the prosecutor's notification duties if the court performed those functions before May 1, 1994. Currently, the court in five

Michigan counties (Ionia, Marquette, Oceana, Saginaw, and Monroe) performs these duties.

## 7.8 Notification That a Serious Misdemeanor Has Been Dismissed

In cases under the misdemeanor article of the CVRA, the prosecuting attorney must notify the victim within 48 hours that the case has been dismissed. This requirement must be met regardless of when the dismissal occurs during the life of the case. MCL 780.816(4); MSA 28.1287(816)(4).

## 7.9 Notification of Conviction or Adjudication and the Right to Participate in Sentencing or Disposition

In all cases under the CVRA, the prosecuting attorney must provide information to the victim that informs the victim of a conviction or adjudication and allows the victim to participate in the sentencing or dispositional phase of the proceedings.\* The required notification varies depending upon which article of the CVRA applies.

### A. Felony Article

Upon request of the victim of a felony, the prosecuting attorney must provide notice of the following information listed in MCL 780.763(1)(a)–(g); MSA 28.1287(763)(1)(a)–(g):

“(a) The defendant’s conviction.

“(b) The crimes for which the defendant was convicted.

“(c) The victim’s right to make a written or oral impact statement for use in the preparation of a presentence investigation report concerning the defendant.

“(d) The address and telephone number of the probation office which is to prepare the presentence investigation report.

“(e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.

“(f) The victim’s right to make an impact statement at sentencing.

\*For a more detailed discussion of victim impact statements at sentencing or disposition hearings, see Sections 9.1–9.3.

“(g) The time and place of the sentencing proceeding.”

The prosecuting attorney must provide this notice “by any means reasonably calculated to give prompt actual notice.” MCL 780.763(2); MSA 28.1287(763)(2).

In *People v Pfeiffer*, 207 Mich App 151, 155 (1994), the Court of Appeals held that the prosecutor’s failure to notify the minor victim’s family of the sentencing date did not justify resentencing the defendant. The Court of Appeals reasoned that to allow resentencing in such circumstances would allow prosecutors to neglect victim notification requirements and seek resentencing if they were dissatisfied with the sentence imposed. *Id.* at 159.

The notification given to the victim following conviction must also provide guidance on what to include in victim impact statements. MCL 780.763(3)(a)–(d); MSA 28.1287(763)(3)(a)–(d), state that the prosecuting attorney must notify the victim that the victim’s impact statements may include but are not limited to the following:

“(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.

“(b) An explanation of the extent of any economic loss or property damage suffered by the victim.

“(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.\*

“(d) The victim’s recommendation for an appropriate sentence.”

## B. Juvenile Article

Upon request of the victim of a juvenile offense, the prosecuting attorney or court must provide notice of the following information listed in MCL 780.791(1)(a)–(c); MSA 28.1287(791)(1)(a)–(c):

“(a) The offenses for which the juvenile was adjudicated or convicted.

“(b) The victim’s right to make an impact statement at the disposition hearing or sentencing.

“(c) The time and place of the disposition or sentencing proceeding.”

\*Chapter 10 contains a detailed discussion of restitution.

**Note:** In juvenile delinquency cases, MCL 780.798a; MSA 28.1287(798a), authorizes the prosecuting attorney to enter a written agreement that the court will perform many of the prosecutor's notification duties if the court performed those functions before May 1, 1994. Currently, the court in five Michigan counties (Ionia, Marquette, Oceana, Saginaw, and Monroe) performs these duties.

If a report is to be prepared for a dispositional hearing in a delinquency case or a sentencing hearing in a designated case, the person preparing the report (a juvenile probation officer, juvenile register, Family Independence Agency delinquency services worker, or Department of Corrections probation officer) must give the victim notice of the following:

“(a) The victim’s right to make an impact statement for use in preparing the report.

“(b) The address and telephone number of the person who is to prepare the report.

“(c) The fact that the report and any statement of the victim included in the report will be made available to the juvenile unless exempted from disclosure by the court.” MCL 780.791(2)(a)–(c); MSA 28.1287(791)(2)(a)–(c).

When a defendant is convicted of a misdemeanor, a presentence investigation report will be prepared only if the court so directs. MCL 771.14(1); MSA 28.1144(1). In a designated case, if no presentence report is prepared, “the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the disposition or sentencing.” MCL 780.792(2); MSA 28.1287(792)(2). After the prosecuting attorney notifies the victim of the sentencing date, the victim may submit a written impact statement to the prosecutor or court. *Id.*

These notices given to the victim following adjudication must also provide guidance on what to include in victim impact statements. MCL 780.791(3)(a)–(d); MSA 28.1287(791)(3)(a)–(d), state that both the prosecuting attorney and the person preparing a report for disposition or sentencing must notify the victim that the victim’s impact statements may be oral or written and may include, but are not limited to, the following:

“(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.

“(b) An explanation of the extent of any economic loss or property damage suffered by the victim.

\*Chapter 10 contains a detailed discussion of restitution.

“(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.\*

“(d) The victim’s recommendation for an appropriate disposition or sentence.”

### C. Misdemeanor Article

Upon request of the victim of a serious misdemeanor, the prosecuting attorney must provide notice of the following information listed in MCL 780.823(1)(a)–(g); MSA 28.1287(823)(1)(a)–(g):

“(a) The defendant’s conviction.

“(b) The offenses for which the defendant was convicted.

“(c) If a presentence investigation report is to be prepared, the victim’s right to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant.

“(d) The address and telephone number of the probation office which is to prepare the presentence investigation report.

“(e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.

“(f) The victim’s right to make an impact statement at sentencing.

“(g) The time and place of the sentencing proceeding.”

The prosecuting attorney must provide this notice “by any means reasonably calculated to give prompt actual notice.” MCL 780.823(2); MSA 28.1287(823)(2).

When a defendant is convicted of a misdemeanor, a presentence investigation report will be prepared only if the court so directs. MCL 771.14(1); MSA 28.1144(1). If no presentence investigation report is prepared, the court must “notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the sentencing.” MCL 780.825; MSA 28.1287(825). After the prosecuting attorney notifies the victim of the sentencing date, the victim may submit a written impact statement to the prosecutor or court. *Id.*

The notice given to the victim following conviction must provide guidance on what to include in victim impact statements. MCL 780.823(3)(a)–(d); MSA 28.1287(823)(3)(a)–(d), state that the prosecuting attorney must notify the victim that the victim’s impact statements may include but are not limited to the following:

“(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.

“(b) An explanation of the extent of any economic loss or property damage suffered by the victim.

“(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.\*

“(d) The victim’s recommendation for an appropriate sentence.”

\*Chapter 10 contains a detailed discussion of restitution.

## 7.10 Notification of Juvenile Disposition or the Final Disposition of a Criminal Case

After a juvenile is adjudicated in a juvenile delinquency case, the court enters an order of disposition. Dispositions include supervised or unsupervised probation, foster care, or detention.\* If the victim requests, the prosecuting attorney or court must notify the victim of the disposition not more than 30 days after it is made. MCL 780.793(2); MSA 28.1287(793)(2).

\*See Section 3.2(H) for a list of the court’s dispositional options.

**Note:** In juvenile delinquency cases, MCL 780.798a; MSA 28.1287(798a), authorizes the prosecuting attorney to enter a written agreement that the court will perform many of the prosecutor’s notification duties if the court performed those functions before May 1, 1994. Currently, the court in five Michigan counties (Ionia, Marquette, Oceana, Saginaw, and Monroe) performs these duties.

If the victim requests, the prosecuting attorney in a criminal case must notify the victim in writing of the final disposition of the case. This notice must be made within 30 days of the final disposition. MCL 780.772; MSA 28.1287(772), and MCL 780.827; MSA 28.1287(827). “Final disposition” means “the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court.” MCL 780.752(1)(d); MSA 28.1287(752)(1)(d). See also MCL 780.811(1)(c); MSA 28.1287(811)(1)(c).

## 7.11 Notification of Appeal Proceedings and Release Pending Appeal

If the victim requests, the prosecuting attorney must notify the victim of appeal proceedings and of the defendant's release pending disposition of an appeal.

All articles of the CVRA require the prosecuting attorney to notify the victim of the following upon request:

- F that the defendant or juvenile filed an appeal of his or her conviction, adjudication, sentence, or disposition, or that the prosecuting attorney filed an appeal, MCL 780.768a(1)(a); MSA 28.1287(768a)(1)(a), MCL 780.796(1)(a); MSA 28.1287(796)(1)(a), and MCL 780.828(1)(a); MSA 28.1287(828)(1)(a);
- F "[t]he time and place of any appellate court proceedings and any changes in the time or place of those proceedings," MCL 780.768a(1)(c); MSA 28.1287(768a)(1)(c), MCL 780.796(1)(c); MSA 28.1287(796)(1)(c), and MCL 780.828(1)(c); MSA 28.1287(828)(1)(c); and
- F "a brief explanation in plain English of the appeal process, including the possible dispositions," MCL 780.768a(3); MSA 28.1287(768a)(3), MCL 780.796(3); MSA 28.1287(796)(3), and MCL 780.828(3); MSA 28.1287(828)(3).

If requested, the prosecuting attorney must also notify the victim of the result of the appeal. MCL 780.768a(1)(d); MSA 28.1287(768a)(1)(d), MCL 780.796(1)(d); MSA 28.1287(796)(1)(d), and MCL 780.828(1)(d); MSA 28.1287(828)(1)(d). If the prosecuting attorney has filed the appropriate notice\* with the appellate court beforehand, the appellate court must expedite delivery of the opinion or order doing any of the following to the prosecutor by any means necessary to give prompt actual notice:

- F an order reversing the defendant's or juvenile's conviction or disposition;
- F an order vacating the defendant's or juvenile's sentence;
- F an order remanding the case for a new trial; or
- F an order denying the prosecuting attorney's appeal. *Id.*

The prosecuting attorney must use "any means reasonably calculated to give the victim notice" of these results within 24 hours after the prosecutor is notified of the result. *Id.* If the prosecutor is unsuccessful in notifying the victim within 24 hours, the prosecutor must notify the victim "as soon as possible by any means reasonably calculated to give the victim prompt actual notice." MCL 780.768a(2); MSA 28.1287(768a)(2), MCL 780.796(2); MSA 28.1287(796)(2), and MCL 780.828(2); MSA 28.1287(828)(2).

\*The appropriate form of this notice is not specified in the CVRA. This requirement is effective June 1, 2001.



If the appellate court returns the case to the trial court for further proceedings or a new trial, “the victim has the same rights as previously requested during the proceedings that led to the appeal.” MCL 780.768a(4); MSA 28.1287(768a)(4), MCL 780.796(4); MSA 28.1287(796)(4), and MCL 780.828(4); MSA 28.1287(828)(4).

To help prevent revictimization, the prosecuting attorney must notify the victim, upon request, that the defendant or juvenile has been released on bail or other recognizance pending appeal. MCL 780.768a(1)(b); MSA 28.1287(768a)(1)(b), MCL 780.796(1)(b); MSA 28.1287(796)(1)(b), and MCL 780.828(1)(b); MSA 28.1287(828)(1)(b).<sup>\*</sup> If the defendant or juvenile has been released, the prosecutor must use “any means reasonably calculated to give the victim notice” of the release order within 24 hours after the prosecutor is notified of the order. *Id.* If the prosecutor is unsuccessful in notifying the victim within 24 hours, the prosecutor must notify the victim of the defendant’s release “as soon as possible by any means reasonably calculated to give the victim prompt actual notice.” MCL 780.768a(2); MSA 28.1287(768a)(2), MCL 780.796(2); MSA 28.1287(796)(2), and MCL 780.828(2); MSA 28.1287(828)(2).

<sup>\*</sup>See Section 4.6 for limitations on bond pending appeal.

## 7.12 Notification of the Prisoner’s or Juvenile’s Status Within Corrections or Juvenile Agencies

If the victim requests, the sheriff, Department of Corrections, Family Independence Agency, county juvenile agency, or court, as applicable, must notify the victim of the prisoner’s or juvenile’s status within a corrections or juvenile agency. MCL 780.769(1); MSA 28.1287(769)(1), MCL 780.798(1); MSA 28.1287(798)(1), and MCL 780.828a(1); MSA 28.1287(828a)(1).

**Note:** A prisoner sentenced under Michigan law may be transferred to an institution in another jurisdiction pursuant to the Interstate Corrections Compact, MCL 3.981 et seq.; MSA 4.161 et seq. MCL 791.256(2); MSA 28.2320(56)(2). The transfer of a prisoner to an institution in another jurisdiction does not “impair or abrogate the rights of crime victims, including but not limited to those rights provided under the crime victim’s rights act. . . .” MCL 3.984; MSA 4.164, and MCL 791.256(3); MSA 28.2320(56)(3). Thus, when the prisoner is transferred to an institution outside of Michigan, the victim is still entitled to his or her rights under the CVRA, including notification.

MCL 780.763a; MSA 28.1287(763a), MCL 780.791a; MSA 28.1287(791a), and MCL 780.828a(2); MSA 28.1287(828a)(2), require the prosecuting attorney or court to send the victim a form, which the victim may then send to the corrections or juvenile agency to receive the notifications discussed in this section. The form sent by the prosecuting attorney or court must contain the address of the applicable corrections or juvenile agency. *Id.*

**Note:** In juvenile delinquency cases, MCL 780.798a; MSA 28.1287(798a), authorizes the prosecuting attorney to enter a written agreement that the court will perform many of the prosecutor's notification duties if the court performed those functions before May 1, 1994. Currently, the court in five Michigan counties (Ionia, Marquette, Oceana, Saginaw, and Monroe) performs these duties.

The rest of this section addresses events that trigger notice requirements under the CVRA concerning a prisoner's or juvenile's status within corrections or juvenile agencies.

### A. Prisoner's Earliest Release or Parole Eligibility Date

If the prisoner has been incarcerated in a county jail for a felony or serious misdemeanor, the victim may request that the sheriff provide the victim with notice of the prisoner's earliest possible release date for the offense committed against that victim. Within 30 days of the victim's written request, the sheriff must mail the victim the sheriff's calculation of the prisoner's earliest release date, "with all potential good time or disciplinary credits considered" if the sentence of imprisonment exceeds 90 days. MCL 780.769(1)(a); MSA 28.1287(769)(1)(a), and MCL 780.828a(1)(a); MSA 28.1287(828a)(1)(a). The same requirements apply regarding a juvenile who has been sentenced to jail in a designated case. MCL 780.798(4)(a); MSA 28.1287(798)(4)(a).

MCL 780.829(1); MSA 28.1287(829)(1), of the misdemeanor article of the CVRA, requires the sheriff, upon the victim's written request, to notify the victim of the defendant's earliest possible release date "if the defendant is sentenced to more than 92 days' imprisonment." The victim's written request must include the victim's address. MCL 780.829(2); MSA 28.1287(829)(2).\*

If the prisoner has been committed to the Department of Corrections for a felony, the victim may request that the department provide the victim with notice of the prisoner's parole eligibility date. Within 30 days of the victim's written request, the Department of Corrections must mail the victim the department's calculation of the prisoner's earliest parole eligibility date, including all potential good time or disciplinary credits. MCL 780.769(1)(a); MSA 28.1287(769)(1)(a). The same requirements apply regarding a juvenile who has been sentenced to prison in a designated case. MCL 780.798(4)(a); MSA 28.1287(798)(4)(a).

When requesting notification of the prisoner's earliest release or parole eligibility date, the victim may ask for "one-time only" notice of the sheriff's or Department of Corrections' calculation. MCL 780.769(1)(a); MSA 28.1287(769)(1)(a), MCL 780.798(4)(a); MSA 28.1287(798)(4)(a), and MCL 780.828a(1)(a); MSA 28.1287(828a)(1)(a).

\*These requirements conflict with those contained in MCL 780.828a; MSA 28.1287(828a), explained in the paragraph above.

## B. Intent to Place Prisoner in Special Alternative Incarceration Program (“Boot Camp”)

In felony cases, the sentencing court may order eligible defendants placed on probation to complete the special alternative incarceration (“SAI”) program run by the Department of Corrections, generally known as “boot camp.” MCL 771.3b; MSA 28.1133(2). Defendants sentenced to a term of imprisonment may also be eligible to participate in the SAI program, unless the sentencing judge expressly prohibits participation in the program. MCL 791.234a; MSA 28.2304(1). If the sentencing judge does not expressly prohibit the defendant’s participation, the Department of Corrections must notify the judge, prosecuting attorney, and victim (if the victim has requested post-sentencing notices pursuant to MCL 780.769(1); MSA 28.1287(769)(1)), of its intent to place the defendant in the SAI program. This notice must be given not later than 30 days before the intended placement. The victim must communicate his or her disagreement with the department’s decision in writing to the judge. If the judge does not notify the department that he or she does not object to the placement, the department may not place the defendant in the SAI program. Before deciding, the judge must review any impact statement submitted by the victim for use in preparing a presentence investigation report. MCL 791.234a(4); MSA 28.2304(1)(4).

## C. Juvenile’s Transfer From One Juvenile Facility to Another

Upon written request by the victim in a juvenile delinquency proceeding, the agency to which a juvenile has been committed must make a “good-faith effort” to notify the victim before the juvenile is transferred from one juvenile facility to another. MCL 780.798(1)(b); MSA 28.1287(798)(1)(b).<sup>\*</sup> If the agency to which a juvenile has been committed is unsuccessful in notifying the victim before the transfer, it must notify the victim as soon as possible after the transfer occurs. MCL 780.798(2); MSA 28.1287(798)(2).

For juveniles convicted following “automatic waiver” proceedings, if the victim requests in writing, the Family Independence Agency or county juvenile agency must make a “good faith effort” to notify the victim before the juvenile is transferred from a secure to a nonsecure juvenile facility. MCL 780.770a(1)(b); MSA 28.1287(770a)(1)(b).<sup>\*</sup> If the FIA or county juvenile agency is unable to notify the victim before the transfer occurs, the agency must notify the victim as soon as possible after the transfer using “any means reasonably calculated to give prompt actual notice.” MCL 780.770a(2); MSA 28.1287(770a)(2).

## D. Prisoner’s Transfer to or From a Secure Facility

Under the felony article of the CVRA, if the victim requests in writing, the sheriff or Department of Corrections must mail the victim notice of the

<sup>\*</sup>Prior to June 1, 2001, the agency was only required to notify the victim when the juvenile was moved from a secure to nonsecure facility.

<sup>\*</sup>It is the policy of the FIA to notify victims of planned home visits by the juvenile in both delinquency and “automatic waiver” cases. See *Services Manual, Children & Youth*, Item 813.2.

prisoner's transfer to a minimum security facility or to community status. MCL 780.769(1)(b)–(c); MSA 28.1287(769)(1)(b)–(c), state that the sheriff or Department of Corrections must mail to the victim the following:

“(b) Notice of the prisoner's transfer or pending transfer to a minimum security facility and the facility's address.

“(c) Notice of the prisoner's release or pending release in a community residential program or under furlough; any other transfer to community status; any transfer from 1 community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a state correctional facility.”\*

\*Prior to June 1, 2001, the Department of Corrections was not required to notify the victim of the prisoner's transfer between residential or electronic monitoring programs, or the prisoner's transfer from a community or electronic monitoring program to a correctional facility.

The same requirements apply to a juvenile who has been sentenced to imprisonment in a designated case. MCL 780.798(4)(b)–(c); MSA 28.1287(798)(4)(b)–(c).

Upon the victim's written request in a case under the misdemeanor article, the sheriff must notify the victim if the prisoner has been placed on day parole or work release. MCL 780.828a(1)(c); MSA 28.1287(828a)(1)(c).

## E. Defendant's or Juvenile's Escape From Custody

In criminal cases and designated cases, if the victim requests in writing, the victim must be given immediate notice of the defendant's or juvenile's escape from custody. MCL 780.769(1)(d); MSA 28.1287(769)(1)(d), MCL 780.798(4)(d); MSA 28.1287(798)(4)(d), and MCL 780.828b(1); MSA 28.1287(828b)(1). The prosecuting attorney must also be given immediate notice of the escape. MCL 780.770(1); MSA 28.1287(770)(1), MCL 780.798(6); MSA 28.1287(798)(6), and MCL 780.828b(1); MSA 28.1287(828b)(1). Notice to the victim and prosecuting attorney must be “by any means reasonably calculated to give prompt actual notice.” *Id.*

**Note:** In designated cases, the prosecuting attorney who filed the petition alleging the offense of which the juvenile is accused, or for which the juvenile is detained or under sentence, must receive notice of the escape. MCL 780.798(6); MSA 28.1287(798)(6). Thus, if a change of venue is granted in a designated case, it appears that the prosecuting attorney for the county in which the original petition was filed must receive notice of the escape. Compare MCL 780.770(1); MSA 28.1287(770)(1), and MCL 780.828b(1); MSA 28.1287(828b)(1), which require “the prosecuting attorney who is prosecuting or has prosecuted” the crime or serious misdemeanor to receive notice of the escape.

The agent who must provide this notice to the victim and prosecuting attorney varies depending upon the point at which the defendant escapes from custody.

For cases under the felony article of the CVRA, MCL 780.770(2)–(3); MSA 28.1287(770)(2)–(3), state:

“(2) If the escape occurs before the sentence is executed or before the defendant is delivered to the department of corrections, the chief law enforcement officer of the agency in charge of the defendant’s detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

“(3) If the defendant is confined pursuant to a sentence, the notice shall be given by the chief administrator of the place in which the prisoner is confined.”

MCL 780.828b(2)–(3); MSA 28.1287(828b)(2)–(3), in the misdemeanor article of the CVRA, and MCL 780.798(7)–(8); MSA 28.1287(798)(7)–(8), which apply to juveniles charged or convicted in designated cases, contain substantially similar requirements.

Similar rules govern escapes of juveniles who were convicted following “automatic waiver” proceedings. MCL 780.770a(3); MSA 28.1287(770a)(3), requires the Family Independence Agency or county juvenile agency to give the victim, pursuant to a written request, immediate notice of the escape “by any means reasonably calculated to give prompt actual notice.” If the juvenile escapes before being delivered to the FIA or county juvenile agency, the “agency in charge of the juvenile’s detention” must notify the FIA or county juvenile agency, which then must provide the required notice to the victim. *Id.*

In juvenile delinquency proceedings, if the victim requests in writing, the Family Independence Agency, county juvenile agency, or court must give the victim notice of the juvenile’s escape from “a secure detention or treatment facility.” MCL 780.798(3); MSA 28.1287(798)(3). The victim must be given “immediate notice of the escape by any means reasonably calculated to give prompt actual notice.” *Id.*

A defendant’s or juvenile’s escape must be entered into the Law Enforcement Information Network (“LEIN”). MCL 791.265d(1)(a); MSA 28.2325(4)(1)(a), MCL 400.115n(1)–(2); MSA 16.490(25n)(1)–(2), and MCL 712A.18j(1)–(2); MSA 27.3178(598.18j)(1)–(2).

## F. Juvenile Commitment Review Hearings

After a juvenile has been committed to an institution for an offense, the crime victim is entitled to request that he or she be notified of review hearings conducted in juvenile delinquency cases, and in designated and “automatic waiver” cases in which the juvenile was not sentenced to imprisonment at the initial sentencing or dispositional hearing.\*

\*See Section 3.2(H)(2) for a brief description of these sentencing options.

## 1. Required Review Hearings in Juvenile Delinquency Cases

If the victim requests, the prosecuting attorney must give the victim notice of a review hearing conducted pursuant to §18 of the Juvenile Code. MCL 780.798(9); MSA 28.1287(798)(9). “The victim has the right to make a statement at the hearing or submit a written statement for use at the hearing, or both.” *Id.* Under MCR 5.944(D), the court must schedule a commitment review hearing to be held within 42 days before the juvenile reaches age 19 to determine whether the juvenile will remain under court jurisdiction until age 21. This requirement applies when the juvenile was adjudicated for one of the serious felony offenses listed in MCL 712A.18d(1); MSA 27.3178(598.18d)(1).

In addition, MCL 712A.18d(3); MSA 27.3178(598.18d)(3), provides that on motion of the institution, agency, or facility to which the juvenile has been committed, the court may at any time discharge a juvenile upon a showing by a preponderance of the evidence that the juvenile has been rehabilitated and is not a risk to public safety. This review hearing may be conducted at any time before the juvenile reaches age 19 or, if the court has continued jurisdiction, at any time before the juvenile reaches age 21.

## 2. Required Review Hearings in Designated Cases

If the victim requests, the prosecuting attorney must give the victim notice of a review hearing conducted pursuant to §18 of the Juvenile Code. MCL 780.798(9); MSA 28.1287(798)(9). “The victim has the right to make a statement at the hearing or submit a written statement for use at the hearing, or both.” *Id.*

If the court has delayed imposition of an adult sentence, the court must conduct a review hearing to determine whether the juvenile has been rehabilitated and whether the juvenile presents a serious risk to public safety. The juvenile may be committed to the Department of Corrections following this hearing. MCL 712A.18i(3); MSA 27.3178(598.18i)(3). The court must conduct this review hearing within 42 days before the juvenile’s 19th birthday, unless adjourned for good cause. MCR 5.956(A)(1)(a)(iii). The court must also conduct a final review of the juvenile’s probation or commitment not less than 91 days before the end of the probation period. If the court determines at this review that the best interests of the public would be served by imposing any other sentence provided by law for an adult offender, the court may impose that sentence. MCL 712A.18i(7); MSA 27.3178(598.18i)(7), and MCR 5.956(A)(1)(a)(iv).

As in juvenile delinquency cases, if an institution or agency to which the juvenile was committed in a designated case believes that the juvenile has been rehabilitated and that the juvenile does not present a serious risk to public safety, the institution or agency may petition the court to conduct a review hearing any time before the juvenile becomes 19 years of age or, if the court

has continued jurisdiction, any time before the juvenile becomes 21 years of age. MCL 712A.18i(4); MSA 27.3178(598.18i)(4).

### **3. Required Review Hearings in “Automatic Waiver” Cases**

When requested by the victim, the prosecuting attorney must give the victim notice of review hearings conducted pursuant to MCL 769.1b; MSA 28.1073(1), in “automatic waiver” proceedings. “The victim has the right to make a statement at the hearing, submit a written statement for use at the hearing, or both.” MCL 780.770b; MSA 28.1287(770b).

In “automatic waiver” proceedings, hearings must be held to review the progress of juveniles committed to the Family Independence Agency or a county juvenile agency. A review hearing must be held as near as possible to, but before, the juvenile’s nineteenth birthday to determine whether to discharge the juvenile or to continue the juvenile’s commitment until age 21. MCL 769.1b(2); MSA 28.1073(1)(2). The court must also conduct a final review of the juvenile’s commitment not less than 3 months before the end of the period that the juvenile is committed to the Family Independence Agency or county juvenile agency. At this final review hearing, the court may impose an adult sentence upon or discharge the juvenile. MCL 769.1b(5); MSA 28.1073(1)(5).

In addition to these required hearings, if the agency to which the juvenile was committed believes that the juvenile has been rehabilitated and that the juvenile does not present a serious risk to public safety, the agency may petition the court to conduct a review hearing at any time before the juvenile becomes 19 years of age or, if the court has continued jurisdiction, at any time before the juvenile becomes 21 years of age. MCL 769.1b(2); MSA 28.1073(1)(2).

## **G. Juvenile’s Dismissal From Court Jurisdiction or Discharge From Commitment to Juvenile Agency**

In juvenile delinquency and designated cases, if the victim requests in writing, the court or the agency to which a juvenile was committed must provide the victim notice of the juvenile’s dismissal or discharge. MCL 780.798(1)(a); MSA 28.1287(798)(1)(a), requires the court, Family Independence Agency, or county juvenile agency, as applicable, to make a “good-faith effort” to notify the victim before “[t]he juvenile is dismissed from court jurisdiction or discharged from commitment to the family independence agency or county juvenile agency.” If the court, FIA, or county juvenile agency is unsuccessful in notifying the victim before the dismissal or discharge, it must notify the victim as soon as possible after the dismissal or discharge occurs. MCL 780.798(2); MSA 28.1287(798)(2).

For juveniles convicted following “automatic waiver” proceedings, the requirements are more stringent. If the victim requests in writing, the Family Independence Agency or county juvenile agency must make a “good faith

effort” to notify the victim before the juvenile is dismissed from court jurisdiction or discharged from commitment to the FIA or county juvenile agency. MCL 780.770a(1)(a); MSA 28.1287(770a)(1)(a). If the FIA or county juvenile agency is unable to notify the victim before the dismissal or discharge occurs, the agency must notify the victim as soon as possible after the dismissal or discharge using “*any means reasonably calculated to give prompt actual notice.*” MCL 780.770a(2); MSA 28.1287(770a)(2) (emphasis added).

**Note:** In juvenile delinquency, designated, and “automatic waiver” cases, the juvenile may not be discharged from commitment to the Family Independence Agency or county juvenile agency without court approval. MCL 803.307(1)(a) and (b); MSA 25.399(57)(1)(a) and (b).

## H. Parole Review Proceedings

\*See Section 9.5 for a discussion of the victim’s rights at parole hearings.

If the victim requests in writing, the Department of Corrections must notify the victim of his or her right “to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner’s release on parole. . . .” MCL 780.769(1)(e); MSA 28.1287(769)(1)(e). MCL 780.798(4)(e); MSA 28.1287(798)(4)(e), contains substantially similar requirements for juveniles who were sentenced to prison in designated cases.\*

If the victim requests in writing, the Department of Corrections must also give the victim notice of the parole board’s or panel’s decision after a parole review. MCL 780.769(1)(f); MSA 28.1287(769)(1)(f), and MCL 780.798(4)(f); MSA 28.1287(798)(4)(f). If the victim requests notice of the decision, not less than 30 days before a pending parole review, the department must provide notice of the victim’s rights to submit a written statement and to be represented by counsel at the review. MCL 780.771(2); MSA 28.1287(771)(2).

Notice of the parole board’s or panel’s decision must include the date of the prisoner’s release on parole if the prisoner is granted parole. MCL 780.771(3); MSA 28.1287(771)(3). This notice must be mailed “within a reasonable time after the board or panel reaches its decision but not later than 14 days after the board or panel has reached its decision.” *Id.* In addition, the notice must apprise the victim of his or her right to appeal a grant of parole pursuant to MCL 791.234(9); MSA 28.2304(9). MCL 780.771(3); MSA 28.1287(771)(3).



## I. Subsequent Offense or Parole Violation by Juvenile or Prisoner

In cases under the juvenile article of the CVRA, upon the victim's written request, the court, Family Independence Agency, or county juvenile agency shall make a good faith effort to notify the victim when the juvenile is detained for committing a subsequent criminal offense. MCL 780.798(1)(d); MSA 28.1287(798)(1)(d).\*

\*This requirement is effective June 1, 2001.

In cases under the felony article, upon the victim's written request, the sheriff or Department of Corrections must mail to the victim notice of the following events:

- F the prisoner has been convicted of a new crime, MCL 780.769(1)(k); MSA 28.1287(769)(1)(k), and
- F the prisoner has been returned from parole status to a correctional facility due to an alleged violation of parole conditions, MCL 780.769(1)(l); MSA 28.1287(769)(1)(l).\*

\*These requirements are effective June 1, 2001.

## J. Public Hearing Regarding a Reprieve, Commutation, or Pardon

If the victim requests in writing, the Department of Corrections must give the victim notice of a public hearing regarding a reprieve, commutation, or pardon of the prisoner's sentence by the governor, and notice of the grant of a reprieve, commutation, or pardon by the governor. MCL 780.769(1)(h)–(i); MSA 28.1287(769)(1)(h)–(i), and MCL 780.798(4)(h)–(i); MSA 28.1287(798)(4)(h)–(i). Notice of a public hearing must be given in writing at least 30 days before the hearing. MCL 791.244(2)(g); MSA 28.2314(2)(g).\*

\*See Section 9.6 for definitions of "reprieve," "commutation," and "pardon."

## K. Prisoner's Discharge From Prison

If the victim requests in writing, the Department of Corrections must notify the victim of the prisoner's discharge from prison. This notice must be provided "90 days before the date of the prisoner's discharge from prison, unless the notice has been otherwise provided under this article." MCL 780.769(1)(g); MSA 28.1287(769)(1)(g). MCL 780.798(4)(g); MSA 28.1287(798)(4)(g), contains substantially similar requirements for juveniles who were sentenced to prison in designated cases.

## L. Prisoner's or Juvenile's Name Change

\*Under MCL 711.3; MSA 27.3178(563), as added by 2000 PA 111, the court may refuse to order publication of the name change if publication would place the petitioner in physical danger.

An individual may petition the Family Division of Circuit Court for an order to change his or her name if the individual has been a resident of the county where the petition is filed for at least one year and the change is not sought with a fraudulent intent. An individual with a criminal record is presumed to be seeking a name change with fraudulent intent, but the individual may rebut that presumption. MCL 711.1(1); MSA 27.3178(561)(1). In most cases,\* before entering an order to change the individual's name, the court must order publication of the proposed name change as provided in MCR 5.781(A).

Pursuant to MCL 711.1(3)(a)–(c); MSA 27.3178(561)(3)(a)–(c), if the court enters an order changing the name of a person with a criminal record, the court must send a copy of the order to the central records division of the Michigan state police and to one or more of the following:

- F the Department of Corrections if the individual is in prison, on parole, or has been imprisoned or released from parole in the immediately preceding two years;
- F the sheriff of the county in which the individual was last convicted if the individual was incarcerated in or released from a county jail within the immediately preceding two years; or
- F the Family Division of the Circuit Court that has jurisdiction over the individual if the individual is under that court's jurisdiction or has been under that court's jurisdiction during the immediately preceding two years.

Upon written request, a crime victim is entitled to notification of a prisoner's or juvenile's name change as follows:

- F In cases under the felony article of the CVRA, the sheriff or Department of Corrections shall provide notice of a name change while the prisoner is on parole or within 2 years after release from parole. MCL 780.769(1)(j); MSA 28.1287(769)(1)(j). MCL 780.798(4)(j); MSA 28.1287(798)(4)(j), contains substantially similar requirements for juveniles who were sentenced to prison in designated cases.
- F In cases under the misdemeanor article of the CVRA, the sheriff shall provide notice of a name change while the prisoner is incarcerated or within two years of release from incarceration. MCL 780.828a(1)(b); MSA 28.1287(828a)(1)(b). MCL 780.798(4)(j); MSA 28.1287(798)(4)(j), contains substantially similar requirements for juveniles who were incarcerated in designated cases.
- F In cases under the juvenile article of the CVRA, the court, Family Independence Agency, or county juvenile agency shall make a good faith effort to notify the victim before the juvenile has his or her name

changed while under the court's jurisdiction or within two years of discharge from the court's jurisdiction. MCL 780.798(1)(c); MSA 28.1287(798)(1)(c). If the court, Family Independence Agency, or county juvenile agency is unsuccessful in notifying the victim before the name change, it must notify the victim as soon as possible after the name change occurs. MCL 780.798(2); MSA 28.1287(798)(2).

### 7.13 Notification of Application to Have Conviction or Adjudication Set Aside

If an adult offender applies to set aside a conviction of a serious misdemeanor or a felony that is an "assaultive crime,"\* the prosecuting attorney must notify the victim if he or she knows the victim's name. Notice must be in writing, accompanied by a copy of the application, and sent "by first-class mail to the victim's last known address." The victim has a right to appear "at any proceeding" concerning the application and make a written or oral statement. MCL 780.772a; MSA 28.1287(772a), and MCL 780.827a; MSA 28.1287(827a).

If a juvenile offender applies to set aside an adjudication or conviction for an "assaultive crime" or serious misdemeanor,\* the prosecuting attorney must provide notice in the same manner as in a case involving an adult offender. The victim has a right to appear "at any proceeding" concerning the application and make a written or oral statement. MCL 780.796a; MSA 28.1287(796a).

\*See Section 3.2(A) for a discussion of setting aside convictions or adjudications and a list of "assaultive crimes."

\*See Section 3.2(N) for a list of serious misdemeanors.

### 7.14 Victim Responsibility for Notifying Agencies of Current Address and Telephone Number

Victims who receive the required notification from the prosecuting attorney following arraignment or petition authorization\* and who wish to receive subsequent notices or exercise their rights under the CVRA must keep certain agencies apprised of their current address and telephone number. These agencies vary according to the article under which the case falls.

In cases falling under Article 1, the felony article, the victim must supply a current address and telephone number to the following:

"(a) The prosecuting attorney, until final disposition\* or completion of the appellate process, whichever occurs later.

"(b) The department of corrections or the sheriff as the prosecuting attorney directs if the defendant is imprisoned.

"(c) The family independence agency or county juvenile agency as the prosecuting attorney directs if the defendant

\*See Section 7.6, above, for discussion of this notice requirement.

\*See Section 7.10, above, for discussion of "final disposition" of the case.

is held in a juvenile facility.” MCL 780.756(4)(a)–(c); MSA 28.1287(756)(4)(a)–(c).

In cases falling under Article 2, the juvenile article, the victim must supply a current address and telephone number to the following:

“(a) The prosecuting attorney, or the court if an agreement [between the prosecutor and court] exists.

“(b) If the juvenile is made a public ward, the family independence agency or county juvenile agency, as applicable.

“(c) If the juvenile is imprisoned, the department of corrections or the sheriff as directed by the prosecuting attorney.” MCL 780.786(5)(a)–(c); MSA 28.1287(786)(5)(a)–(c).

**Note:** In juvenile delinquency cases, MCL 780.798a; MSA 28.1287(798a), authorizes the prosecuting attorney to enter a written agreement that the court will perform many of the prosecutor’s notification duties if the court performed those functions before May 1, 1994. Currently, the court in five Michigan counties (Ionia, Marquette, Oceana, Saginaw, and Monroe) performs these duties.

In cases falling under Article 3, the misdemeanor article, the victim must supply a current address and telephone number to the following:

“(a) The prosecuting attorney, until final disposition\* or completion of the appellate process, whichever occurs later.

“(b) The sheriff, if the defendant is imprisoned for more than 92 days.” MCL 780.816(5)(a)–(b); MSA 28.1287(816)(5)(a)–(b).

In all cases, a victim’s address and telephone number maintained by the court, sheriff, or Department of Corrections for notification purposes are exempt from disclosure under Michigan’s Freedom of Information Act. MCL 780.769(2); MSA 28.1287(769)(2), MCL 780.798(5); MSA 28.1287(798)(5), and MCL 780.830; MSA 28.1287(830).

\*See Section 7.10, above, for discussion of “final disposition” of the case.

## 7.15 Notification of Communicable Disease Test or Examination Results

Criminal defendants and juveniles charged with or convicted or adjudicated of certain offenses must submit to testing or examination for communicable

diseases. In cases involving sexual penetration, sexual contact, or exposure to the defendant's or juvenile's body fluids, if the victim consents, the court must provide the person or agency conducting the mandatory examinations or tests with the name, address, and telephone number of the victim, and the person or agency must notify the victim immediately of the results and refer the victim for appropriate counseling. If the victim is a minor or otherwise incapacitated, the victim's parent, guardian, or person in loco parentis may give the required consent. MCL 333.5129(5); MSA 14.15(5129)(5). If the victim is found to be infected with a communicable disease, the agency providing the testing or counseling must refer the victim for appropriate medical care. MCL 333.5129(8); MSA 14.15(5129)(8).

If a criminal defendant is bound over to the Criminal Division of Circuit Court for any of several enumerated offenses, and if the district court determines there is reason to believe that the violation involved sexual penetration or exposure to the body fluid of the defendant, the district court must order the defendant to be examined or tested for venereal disease and hepatitis B infection and for the presence of HIV or an antibody to HIV. MCL 333.5129(3); MSA 14.15(5129)(3).

The enumerated offenses are:

- F accosting, enticing, or soliciting a child for immoral purposes, MCL 750.145a; MSA 28.341;
- F gross indecency between male persons, MCL 750.338; MSA 28.570;
- F gross indecency between female persons, MCL 750.338a; MSA 28.570(1);
- F gross indecency between male and female persons, MCL 750.338b; MSA 28.570(2);
- F aiding and abetting prostitution, MCL 750.450; MSA 28.705;
- F keeping, maintaining, or operating a house of prostitution, MCL 750.452; MSA 28.707;
- F pandering, MCL 750.455; MSA 28.710;
- F first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2);
- F second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3);
- F third-degree criminal sexual conduct, MCL 750.520d; MSA 28.788(4);
- F fourth-degree criminal sexual conduct, MCL 750.520e; MSA 28.788(5);

- F assault with intent to commit criminal sexual conduct, MCL 750.520g; MSA 28.788(7). MCL 333.5129(3); MSA 14.15(5129)(3).

**Note:** Two of the offenses, accosting, enticing, or soliciting a child for immoral purposes, MCL 750.145a; MSA 28.341, and aiding and abetting prostitution, MCL 750.450; MSA 28.705, are misdemeanors, for which no bindover would occur.

MCL 333.5129(4); MSA 14.15(5129)(4), provides that upon conviction of a defendant or adjudication of a juvenile for a violation of any of the following offenses, the court having jurisdiction of the criminal prosecution or juvenile adjudication must order the defendant or juvenile to be examined or tested for venereal disease and hepatitis B infection and for the presence of HIV or an antibody to HIV.

The offenses are:

- F accosting, enticing, or soliciting a child for immoral purposes, MCL 750.145a; MSA 28.341;
- F gross indecency between male persons, MCL 750.338; MSA 28.570;
- F gross indecency between female persons, MCL 750.338a; MSA 28.570(1);
- F gross indecency between male and female persons, MCL 750.338b; MSA 28.570(2);
- F soliciting prostitution, MCL 750.448; MSA 28.703;
- F admitting to place for purpose of prostitution, MCL 750.449; MSA 28.704;
- F engaging services for purposes of prostitution, MCL 750.449a; MSA 28.704(1);
- F aiding and abetting prostitution, MCL 750.450; MSA 28.705;
- F keeping, maintaining, or operating a house of prostitution, MCL 750.452; MSA 28.707;
- F pandering, MCL 750.455; MSA 28.710;
- F first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2);
- F second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3);
- F third-degree criminal sexual conduct, MCL 750.520d; MSA 28.788(4);

- F fourth-degree criminal sexual conduct, MCL 750.520e; MSA 28.788(5);
- F assault with intent to commit criminal sexual conduct, MCL 750.520g; MSA 28.788(7);
- F intravenous use of controlled substance, MCL 333.7404; MSA 14.15(7404); or
- F a local ordinance prohibiting prostitution, solicitation, gross indecency, or the intravenous use of a controlled substance. MCL 333.5129(4); MSA 14.15(5129)(4).

## 7.16 Table Summarizing Notification Requirements

The following table summarizes the notification requirements discussed in this chapter. Cross-references direct the reader to the section of this chapter in which each notification requirement is discussed in detail.

<b>Notification Requirement</b>	<b>Time and Method of Notification</b>	<b>Official Responsible for Providing Notification</b>
<b>Availability of Services and Victim Compensation; Contact Numbers for Law Enforcement Agency and Prosecuting Attorney</b> See §7.2	The required information must be provided to the victim in writing within 24 hours after initial contact with the victim.	Law enforcement agency having responsibility for investigating the crime.
<b>Availability of Pretrial Release for Accused; Contact Number for Sheriff or Juvenile Facility; Defendant's or Juvenile's Arrest, Release, or Both</b> See §7.3	<p>In cases under the felony article, notice of the availability of pretrial release and contact number for facility must be provided to the victim not later than 24 hours after arraignment. If requested, notice of the defendant's or juvenile's arrest, release, or both must be provided promptly.</p> <p>In cases under the misdemeanor article, notice of the availability of pretrial release and contact number for facility must be provided to the victim not later than 72 hours after arrest. If requested, notice of the defendant's arrest, release, or both must be provided promptly.</p> <p>In cases under the juvenile article, the contact number for the juvenile facility must be provided to the victim not later than 48 hours after the preliminary hearing. If requested, notice of the juvenile's arrest, release, or both must be provided promptly.</p>	<p>Law enforcement agency having responsibility for investigating the crime.</p> <p>Law enforcement agency having responsibility for investigating the crime.</p> <p>The prosecuting attorney or, pursuant to agreement, the Family Division of Circuit Court must provide the contact number for the juvenile facility. The law enforcement agency having responsibility for investigating the crime must provide notice of the juvenile's arrest, release, or both.</p>



<b>Notification Requirement</b>	<b>Time and Method of Notification</b>	<b>Official Responsible for Providing Notification</b>
<b>Statement of Damage, Injury, or Death Resulting From the Offense</b> See §7.4	In cases under the juvenile and misdemeanor articles, the required information must appear on the charging document when certain serious misdemeanors are alleged.	Law enforcement officer or prosecuting attorney who submits the charging document to the court.
<b>Proposed Removal of Juvenile Delinquency Case From Adjudicative Process; Time and Place of Hearing on the Proposed Removal</b> See §7.5	The prosecuting attorney must receive prior written notice of the court's intent to remove the case from the adjudicative process.  The victim must receive notice of the time and place of a hearing on the proposed removal before any formal or informal action is taken.	Family Division of Circuit Court.  Prosecuting attorney.
<b>Explanation of Court Procedures, Victim Rights, Victim Compensation, and Safety Procedures; Contact Number</b> See §7.6	In cases under the felony article, the required information must be written in plain English and provided to the victim not later than seven days after arraignment and no less than 24 hours before the preliminary examination.  In cases under the juvenile article, the required information must be written in plain English and provided to the victim within 72 hours after the prosecuting attorney submits the petition to the court.  In cases under the misdemeanor article, the required information must be written in plain English and provided to the victim within 48 hours after the prosecuting attorney receives notice of scheduled proceedings following arraignment.	Prosecuting attorney.  Prosecuting attorney or, pursuant to agreement, the Family Division of Circuit Court.  Prosecuting attorney.
<b>Scheduled Court Proceedings and Schedule Changes</b> See §7.7	If the victim requests, the required information must be provided to the victim prior to scheduled proceedings.	Prosecuting attorney or, pursuant to agreement in cases under the juvenile article, the Family Division of Circuit Court.
<b>Dismissal of Serious Misdemeanor</b> See §7.8	In cases under the misdemeanor article, notice must be provided to the victim within 48 hours of dismissal.	Prosecuting attorney.

Notification Requirement	Time and Method of Notification	Official Responsible for Providing Notification
<b>Notice of Conviction or Adjudication and Time and Place of Sentencing or Disposition; Explanation of Victim Impact Statements</b> <b>See §7.9</b>	<p>In cases under the felony article, if the victim requests, the required information must be provided to the victim by any means reasonably calculated to provide prompt actual notice.</p> <p>In cases under the juvenile article, the required information must be provided to the victim upon request.</p> <p>In cases under the misdemeanor article, if the victim requests, the required information must be provided to the victim by any means reasonably calculated to provide prompt actual notice.</p>	<p>Prosecuting attorney.</p> <p>Prosecuting attorney or, pursuant to agreement, the Family Division of Circuit Court, and if a report is prepared, the person preparing the report.</p> <p>Prosecuting attorney.</p>
<b>Juvenile Disposition or Final Disposition of Criminal Case</b> <b>See §7.10</b>	<p>In cases under the juvenile article, if the victim requests, notice of the disposition must be provided to the victim not more than 30 days after it is made.</p> <p>In cases under the felony and misdemeanor articles, if the victim requests, notice of the final disposition of the case must be provided to the victim within 30 days.</p>	<p>Prosecuting attorney or, pursuant to agreement, the Family Division of Circuit Court.</p> <p>Prosecuting attorney.</p>

<b>Notification Requirement</b>	<b>Time and Method of Notification</b>	<b>Official Responsible for Providing Notification</b>
<b>Explanation of Appeal Proceedings; Notice of Appeal, Time and Place of Appeal Proceedings, and Outcome of Appeal Proceedings</b> <b>See §7.11</b>	<p>If the victim requests, a brief explanation of appeal proceedings in plain English, notice of an appeal, and notice of scheduled appeal proceedings must be provided to the victim upon request.</p> <p>Notice that a conviction or disposition was reversed, a sentence vacated, or a case remanded must be provided to the victim by any means reasonably calculated to give notice within 24 hours after the prosecuting attorney receives notice of the event. If notice is not provided within 24 hours, notice must be given as soon as possible using any means reasonably calculated to give the victim prompt actual notice.</p>	<p>Prosecuting attorney.</p> <p>Prosecuting attorney. If the prosecuting attorney has made a proper request, the appellate court must expedite delivery of its order or opinion to the prosecuting attorney.</p>
<b>Defendant's or Juvenile's Release Pending Appeal</b> <b>See §7.11</b>	<p>If the victim requests, notice of the defendant's or juvenile's release must be provided to the victim by any means reasonably calculated to give notice within 24 hours after the prosecuting attorney receives notice of the release. If notice is not provided within 24 hours, notice must be given as soon as possible using any means reasonably calculated to give the victim prompt actual notice.</p>	<p>Prosecuting attorney.</p>
<b>Prisoner's Earliest Release or Parole Eligibility Date</b> <b>See §7.12(A)</b>	<p>If the victim requests in writing, the victim must be mailed the required information within 30 days of the request.</p>	<p>Sheriff or Department of Corrections.</p>
<b>Notice of Intent to Place Prisoner in Special Alternative Incarceration Program ("Boot Camp")</b> <b>See §7.12(B)</b>	<p>If the victim requests in writing, the victim must be notified of the intended placement not later than 30 days before the intended placement.</p>	<p>Department of Corrections.</p>

Notification Requirement	Time and Method of Notification	Official Responsible for Providing Notification
<b>Juvenile's Transfer From One Juvenile Facility to Another</b> <b>See §7.12(C)</b>	<p>In juvenile delinquency cases, if the victim requests in writing, the agency must make a good-faith effort to notify the victim before the juvenile is transferred. If notice is not provided before the transfer, notice must be given as soon as possible after the transfer occurs.</p> <p>In "automatic waiver" cases, if the victim requests in writing, the agency must make a good-faith effort to notify the victim before the juvenile is transferred. If notice is not provided before the transfer, notice must be given as soon as possible using any means reasonably calculated to give the victim prompt actual notice.</p>	<p>Family Independence Agency or county juvenile agency.</p> <p>Family Independence Agency or county juvenile agency.</p>
<b>Prisoner's Transfer to or From a Secure Facility</b> <b>See §7.12(D)</b>	<p>If the victim requests in writing, the required information must be mailed to the victim.</p>	<p>Sheriff or Department of Corrections.</p>

Notification Requirement	Time and Method of Notification	Official Responsible for Providing Notification
<b>Defendant's or Juvenile's Escape From Custody</b> <b>See §7.12(E)</b>	<p>If the victim requests in writing, the victim must be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice.</p>	<p>In criminal and designated cases, if the escape occurs before sentence is executed or before the defendant or juvenile is delivered to the corrections or juvenile agency, the agency in charge of the defendant's or juvenile's detention must notify the prosecuting attorney or juvenile agency, who must then notify the victim. If the defendant or juvenile is confined pursuant to a sentence or commitment, the chief administrator of the facility in which the defendant or juvenile is confined must notify the victim.</p> <p>In delinquency cases, the juvenile agency or Family Division of Circuit Court must notify the victim.</p>
<b>Juvenile Commitment Review Hearings</b> <b>See §7.12(F)</b>	<p>If the victim requests, the victim must be given notice prior to a hearing.</p>	<p>Prosecuting attorney.</p>

Notification Requirement	Time and Method of Notification	Official Responsible for Providing Notification
<b>Juvenile's Dismissal or Discharge From Court Jurisdiction</b> <b>See §7.12(G)</b>	<p>In juvenile delinquency and designated cases, if the victim requests in writing, the court or agency must make a good-faith effort to notify the victim before the dismissal or discharge. If notice is not provided before the dismissal or discharge, notice must be given as soon as possible after the dismissal or discharge occurs.</p> <p>In "automatic waiver" cases, if the victim requests in writing, the agency must make a good-faith effort to notify the victim before the dismissal or discharge. If notice is not provided before the dismissal or discharge, notice must be given as soon as possible using any means reasonably calculated to give the victim prompt actual notice.</p>	<p>Family Division of Circuit Court, Family Independence Agency, or county juvenile agency.</p> <p>Family Independence Agency or county juvenile agency.</p>
<b>Notice of Parole Review Proceedings</b> <b>See §7.12(H)</b>	<p>If the victim requests in writing, notice of the victim's rights to submit a statement and be represented by counsel must be provided to the victim not less than 30 days before a parole review proceeding. Notice of the parole board's or panel's decision must be mailed to the victim within a reasonable time after the decision but not later than 14 days after the decision.</p>	<p>Department of Corrections.</p>
<b>Subsequent Offense or Parole Violation by Juvenile or Prisoner</b> <b>See §7.12(I)</b>	<p>In cases under the juvenile article, the court or agency must make a good faith effort to notify the victim when the juvenile is detained for committing a subsequent criminal offense.</p> <p>If the victim requests in writing, the victim must be notified that the prisoner has been convicted of a new crime or has been returned to prison following an alleged parole violation.</p>	<p>Family Division of Circuit Court, Family Independence Agency, or county juvenile agency.</p> <p>Department of Corrections or sheriff.</p>

<b>Notification Requirement</b>	<b>Time and Method of Notification</b>	<b>Official Responsible for Providing Notification</b>
<b>Public Hearing Regarding Reprieve, Commutation, or Pardon</b> See §7.12(J)	If the victim requests in writing, notice must be provided to the victim at least 30 days before the hearing.	Department of Corrections.
<b>Prisoner's Discharge From Prison</b> See §7.12(K)	If the victim requests in writing, notice must be provided to the victim 90 days before the date of discharge, unless notice of the discharge has otherwise been provided under the Crime Victim's Rights Act.	Department of Corrections.
<b>Prisoner's or Juvenile's Name Change</b> See §7.12(L)	<p>In cases under the felony article and designated cases in which the juvenile was sentenced to prison, if the victim requests in writing, notice must be provided to the victim while the prisoner is on parole or within two years after release from parole.</p> <p>In juvenile delinquency cases, if the victim requests in writing, notice must be provided to the victim before the name change. If notice is not provided before the name change, notice must be given as soon as possible after the name change occurs. The court or agency must make a good-faith effort to notify the victim if a juvenile changes his or her name.</p> <p>In cases under the misdemeanor article and designated cases in which the juvenile was incarcerated, if the victim requests in writing, notice must be provided to the victim while the prisoner is incarcerated or within two years of release.</p>	<p>Department of Corrections.</p> <p>Family Division of Circuit Court, Family Independence Agency, or county juvenile agency.</p> <p>Sheriff.</p>
<b>Application to Set Aside Conviction or Adjudication</b> See §7.13	If the victim's name is known, notice and a copy of the application must be mailed by first class mail to the victim's last-known address.	Prosecuting attorney.

## 7.17 Automated Victim Notification

### **MICHIGAN CRIME VICTIM NOTIFICATION NETWORK (MCVNN)**

The following information provides an overview of the features of the Michigan Crime Victim Notification Network (MCVNN).

MCVNN provides the citizens of Michigan with a statewide-automated Crime Victim Notification Network. This will be accomplished by interfacing with county jail booking systems, court case management systems in Prosecuting Attorney's Offices and the Michigan Department of Corrections system.

#### **PUBLIC ACCESS**

Anyone in the general public can access MCVNN by calling 800-770-7657 to obtain information about court events, jail inmate custody status and DOC prisoner custody status. In addition, the public can access the MCVNN to register for notification of changes in jail inmate custody status.

To obtain information about court events from MCVNN the caller must know the offender name or Criminal Tracking Number (CTN). In order to register for notification or to obtain information about jail inmate custody status, the caller must know the inmate name or inmate number. In order to obtain information about DOC prisoner custody status, the caller must know the prisoner name or number. The system will provide information and notification in English and Spanish.

#### **REGISTRATION**

There is no common identification number used by all law enforcement agencies in Michigan. For this reason, victims will need to register separately to receive notification of court events, county jail notification and DOC notification.

##### **Registration for Notification of Court Events**

The Victim Advocate will register all victims wishing to register for notification of Court events in the local Prosecuting Attorney's office.

##### **Registration for Notification of Jail Custody Status Changes**

Anyone in the general public can register for notification of changes in a jail inmate's custody status by using the MCVNN toll free service. In addition, jails can register victims by using the jail booking system or by using the MCVNN VIP service, which is available via the internet.



**Registration for Notification of DOC Custody Status Changes**

The DOC, Crime Victim Notification Unit, will register all victims wishing to register for notification of DOC prisoner custody status changes.

**NOTIFICATION CALLS**

MCVNN will place notification calls to registered victims in the following situations:

**Court Events**

- F Court appearance
- F Postponement
- F Case disposition

**Jail Events**

- F Advance notification of release (14 days in advance)
- F Release
- F Escape
- F Escape return
- F Death
- F Transfer

**DOC Events**

- F Discharge
- F Escape
- F Apprehension after escape
- F Release on bond
- F Released on court order

To stop notification calls victims may enter the four digit personal identification number (PIN) that they chose when registering. Entering the PIN will let the system know that the victim has been successfully notified of the activity in their case. If a call is answered by an answering machine, notification calls will continue until the PIN number is entered.

Victims may register more than one phone number. They may register a unique PIN for each phone number or use a single PIN for all phone numbers.

Victims registered by DOC and PA offices will have a single PIN regardless of the number of phone numbers. Victims may also register cell phones to receive notification.

### **OPERATOR ASSISTANCE**

Operator assistance is available 24 hours a day, seven days a week, to anyone calling the Michigan Crime Victim Notification Network at 800-770-7657 for any reason.

## **7.18 Selected Sample Notification Forms**

The following subsections contain sample letters that fulfill some of the notification requirements under the CVRA. The sample letters included below fulfill only some of the notice requirements of the CVRA. These letters are intended as samples only and should not be used in actual cases.